IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

Crl.MC.No. 1690 of 2007()

CRIME NO.171/05 OF MANGALAPURAM POLICE STATION.

PETITIONER:

R.VINOD,S/O.RAMACHANDRAN PILLAI,
PADMAVILASAM,KOTTAKKUPURAM,CLAPPANA,KOLLAM DIST.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,REPRESENTING THE SUB INSPECTOR OF POLICE,MANGALAPURAM POLICE STATION,THIRUVANANTHAPURAM DISTRICT.

2. THE SUPERINTENDENT OF POLICE, C.B.C.I.D, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1690 OF 2007

Dated this the 13th day of June, 2007

ORDER

The petitioner is a person who allegedly was cheated by the accused in Crime No.171/05 of the Mangalapuram Police Station. He along with 10 others, who were also similarly placed, lodged a complaint before the police alleging that the accused – one Muhammed Hussain, has committed the offence of cheating etc., against all the 10 accused persons. On receipt of that complaint, the police realised that there already was a crime registered as Crime No.171/05 of the Mangalapuram Police Station. Therefore, no fresh crime was registered. Investigation in Crime No.171/05 took note of the allegations of the petitioner and others. Investigation was completed. A consolidated final report was filed. The petitioner is arrayed as C.W.10 in the final report. He is also one of the victims of the offence. The grievance of the

petitioner is that no proper investigation whatsoever has been conducted into his grievance and an apology of a charge sheet has been filed in so far as the crime allegedly committed by the accused against him is concerned. The petitioner has come to know of the filing of the final report belatedly. He has, in these circumstances, come to this Court for invoking the jurisdiction under Sec.482 of the Cr.P.C. to direct the Investigator to conduct a further investigation under Sec.173(8) of the Cr.P.C.

2. Notice was given. The learned Public Prosecutor, after taking instructions, submits that he is satisfied, after perusing the records, that no serious and purposeful investigation has been conducted into the allegations raised by the petitioner and others. The police is now willing to do the needful. The courts direction shall be complied with and a proper, thorough and complete investigation shall be conducted into the grievance raised by the petitioner and others who joined him in the filing of the complaint.

3. I am satisfied that the submission of the learned Public Prosecutor can be accepted. The police is given one month's time to file a proper application before the learned Magistrate to continue the investigation under Sec.173(8) of the Cr.P.C. The

learned Magistrate shall pass appropriate orders. The trial in the proceedings shall not commence or continue till 16/7/07. In the nature and circumstances of this case, I am satisfied that the Superintendent of Police, Trivandrum (Rural) must ensure that the further investigation is conducted by a superior official of the police - not below the rank of a Deputy Superintendent of Police.

4. Hand over a copy of this order to the learned counsel for the petitioner for immediate production before the learned Magistrate.

5. This Crl.M.C. is accordingly allowed to the above extent.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge